

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Crl. Misc. No. 316-M of 2007

DATE OF DECISION : 09.02.2007

Sarabjit Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Brar, Advocate,
 for the petitioner.
 Mr. N.S. Gill, AAG, Punjab.

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Petitioner Sarabjit Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 273 dated 13.10.2006 under Sections 364, 365, 366, 367, 368, 341, 394, 397, 498, 109, 120-B, 148, 149 IPC, registered at Police Station Sadar, Muktsar.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 19.12.2006, passed by Additional Sessions Judge, Muktsar, whereby bail to the petitioner has been declined.

The aforesaid FIR was registered on the complaint made by Gurdas Singh, husband of Kuldip Kaur, alleging therein that when they were travelling in a car along with Sukhwant Singh son of his maternal uncle, one car stopped before their car and his wife Kuldip Kaur and Sukhwant Singh were kidnapped with the gold ornaments by four occupants of that car. During investigation, it was found that actually his wife Kuldip Kaur enacted the entire drama as she was married with the complainant two days prior to the date of the occurrence and she was having love affair with

Dalwinder Singh alias Doctor and under a conspiracy, a fake kidnapping was conducted in which she had gone with the said accused and Sukhwant Singh was also taken by them. Undisputedly, Sukhwant Singh returned back to home after one day and Kuldip Kaur and Dalwinder Singh alias Doctor have been arrested and they are still in custody. During investigation, 13 persons have been named as accused, as it was found that three cars were involved in the alleged crime, though as per the version in the FIR only one car with four persons came on the scene.

Counsel for the petitioner contends that as far as petitioner Sarabjit Singh is concerned, it has been alleged that he also came on the scene of occurrence in another car. Counsel contends that the petitioner has been falsely implicated and he is in custody since 3.11.2006 and the trial is not likely to conclude soon. These facts have not been disputed by counsel for the respondent-State.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

February 09, 2007
ndj

(SATISH KUMAR MITTAL)
JUDGE